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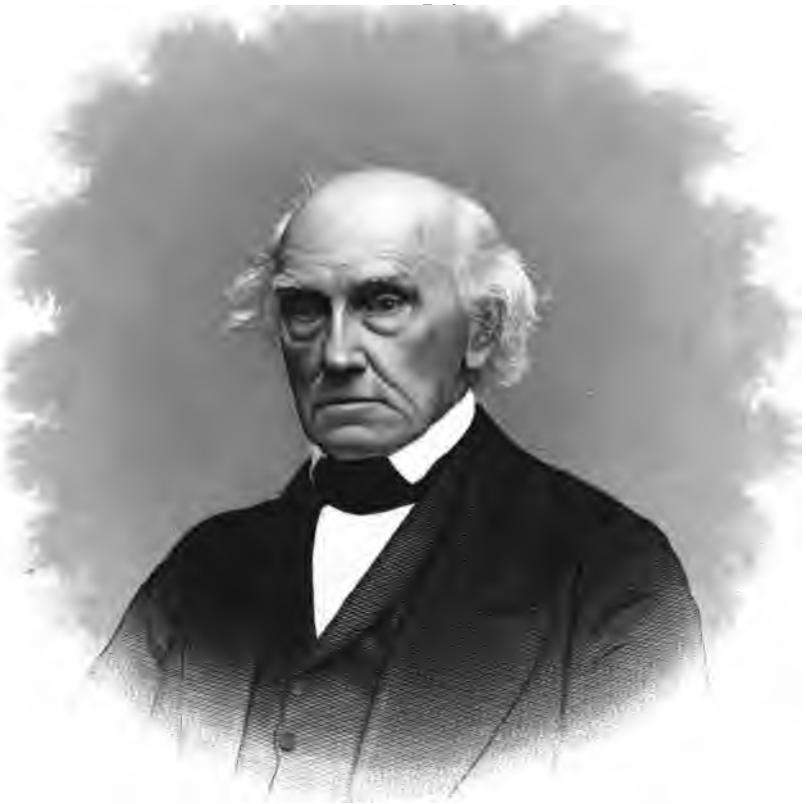

Willard Hall

PAPERS OF THE HISTORICAL SOCIETY OF DELAWARE.

I.

MEMORIAL ADDRESS

ON THE

LIFE AND CHARACTER

OF

WILLARD HALL.

BY

HON. DANIEL M. BATES.

THE HISTORICAL SOCIETY OF DELAWARE.

WILMINGTON:

1879.

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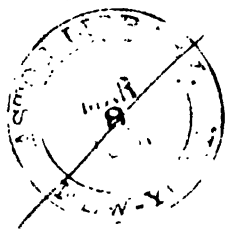

IMMEDIATELY after the death of Judge Hall, the Historical Society of Delaware requested its President, the Hon. Daniel M. Bates, to deliver a memorial address on his life and character; in compliance with which request the following paper was read before the Society on the 23d of May, 1876.

Compliments of

THE DELAWARE HISTORICAL SOCIETY,

WILMINGTON, DELAWARE.

ADDRESS ON THE LIFE AND CHARACTER

OF

WILLARD HALL.

GENTLEMEN OF THE HISTORICAL SOCIETY:

THERE are few communities, if any, in which there do not arise, now and then, men whose lives move in a plane above the common level,—men who, besides filling, as others do, some one of the special vocations of business, seem to have it as their life-work to be ever helping the general interests of the age and society in which their lots are cast, occupying such fields of usefulness as their peculiar endowments may fit them for. To such ends as these they bestow their labors and sacrifices, often under discouragements and with little immediate fruit; being sustained in their work by hopes which reach beyond the mental vision of ordinary men. And, what perhaps is hardly of less value to society, these men set before it an attractive example of purity and unselfishness, of powers consecrated to lofty aims, and surpassing in their energy and constancy even the efforts commonly given to sordid ends; and thus, unconsciously, they

raise before the eyes of their contemporaries a higher ideal of humanity,—of its true aims and finer capacities; and so these examples invigorate and render more constant the general aspiration after a better, a nobler career than before had seemed attainable,—an aspiration to the influence of which may be traced the upward progress of human society. These are the men who help the race forward in its slow and difficult advance.

Our own community was long blessed by the presence of one of these exceptionally pure and beneficent lives,—one among the most eminent and useful of all that class of men; and now that he has been removed from among us, and while the light, which death alone sheds, still illumines his career and throws back upon his character that charm which invests the recollection of a cherished object when lost, we are prompted, by a sentiment, both just to the dead and ennobling to the living, to commemorate his virtues and great services. Doubtless, this tribute of our respect—labor as we may to perfect it—will leave us with a sense of still undischarged obligation for his services, and of unexpressed or ill-expressed reverence and admiration for his virtues. But such as it is, we now offer it:

Willard Hall was born in the town of Westford, Middlesex County, and State of Massachusetts, on the 24th of December, 1780. His father, Willis Hall, was born and died in that town; his mother, Mehetabel Poole, was of Hollis, New Hampshire.

He inherited from his ancestry a constitution singularly sound and vigorous in all its parts—physical, intellectual,

and moral. His entire organization—body, intellect, affections, conscience, and will—was healthful, active, and symmetrical,—a remarkable example of the *mens sana in corpore sano.* It is not surprising, in such a case, to find that his progenitors, in all the lines of descent which can be traced, were of strong mental and moral characteristics; that they kept even pace with the culture of the age and society in which they lived—were equals among their contemporaries, and some of them leaders of the thought and enterprise of their day. His mother was of a highly-respected and influential family settled in Hollis, New Hampshire; her father, a deacon in the Congregational Church in that place. He left a large family of children, all of whom held respectable and useful positions in society. One of the brothers became a distinguished leader in the politics of his State, and is said to have been a logical and fluent speaker.*

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* Since this address was prepared, Wm. D. Dowe, Esq., has furnished some interesting facts, well worth preserving, respecting the maternal ancestry of Judge Hall. The Pooles, from whom his mother was descended, were an ancient and honorable English family, who derived their name from the lordship or manor of Poole, in the county of Chester, where the family was seated as early as the reign of Henry III. The first of the stock, as far back as can be now traced, was Robert de Pull. The name afterwards underwent several changes, through de la Pole, de Poole, and finally it became Poole. The family were early divided into several branches. One branch settled in Ireland, where they are still lords of the manor. Of the English branches, the eldest line is represented by the present Sir Francis Poole, Baronet, of Poole, in the county of Chester. Another branch was represented by Admiral Sir Charles Morice Poole, K.C.B., of the county of Devon; and another by Sir Peter Van Nolten Poole, Baronet, of Fodenham House, county of Gloucester.

Of the American branches one, Elizabeth Poole, is mentioned as the founder of Taunton, Mass., in 1637. She was born in England in 1589, and died at

On the father's side, Judge Hall was connected with the family of the Willards, from whom he derived his Christian name, and probably the controlling elements of his character. This was an ancient English family, seated originally in the county of Kent. The origin and early history of the Willards are noteworthy, since they were not without their influence upon the family life and character through all the generations following.* Lying upon the southern coast of England, convenient for trade and commerce, fertile, and of beautiful natural features, the county of Kent became in early Anglo-Saxon times the home of a hardy, enterprising, thrifty, liberty-loving race, out of which was developed the strongest and best type of English manhood. They alone in all England, after the Norman conquest, maintained against the Conqueror the ancient rights and liberties of

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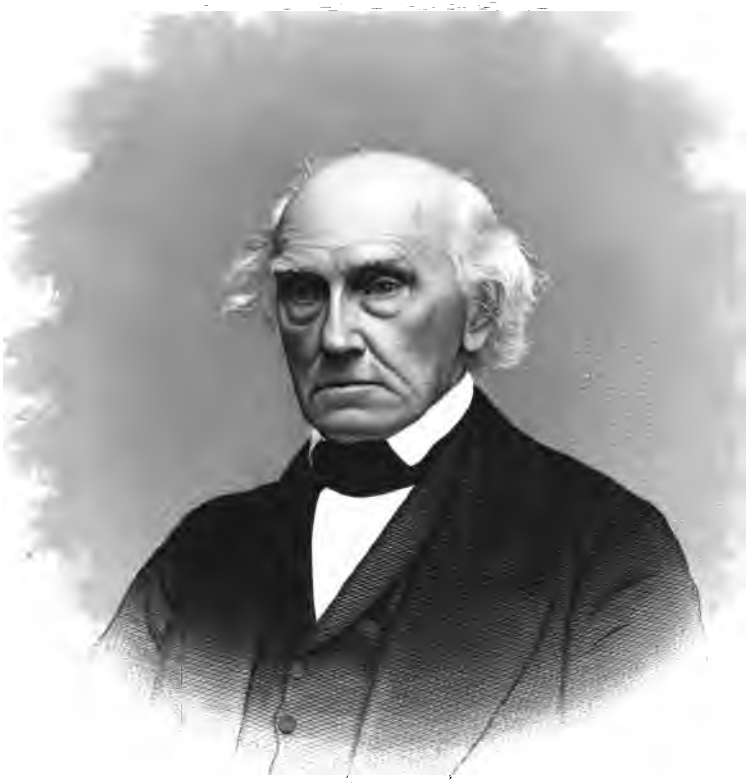
Taunton in May, 1654. The story is told that she bought of the Indians the whole territory on which Taunton was situated for a peck of beans and a jack-knife.

Another American settler of this stock was John Poole, one of Judge Hall's progenitors. He came from England in 1632, and settled at Cambridge, Mass. He held two hundred acres of land at Lynn. Subsequently he removed to Reading. His only son was Captain Jona. Poole, who was distinguished in the war of King Philip. He was President of the Council in 1675–76, and representative in the General Assembly of 1677. His daughter, Mary, married Deacon Thomas Bancroft, and became the great-grandmother of George Bancroft, the historian. Jona. Poole left an only son, viz., John Poole, who had five sons, the youngest of whom, William Poole, was the father of Mehetabel Poole, Judge Hall's mother.

* These incidents in the history of the Willard family are taken from the "Willard Memoir," published by Joseph Willard (Boston, 1858)—a book of much interest, even to a reader not connected with the family.

Saxons,—such as the freedom of their lands from the burdens of military tenure; the power to alien their lands at pleasure and to devise them by will, even prior to the enabling statute of wills; the equal descent of lands to all sons; and exemption from the degrading system of villeinage. Such liberties had their fruit in the more general distribution of property, a greater equality in the condition of the people, and a more diffused education and culture; so that by the end of the sixteenth century, as a writer of that date informs us, the revenues of Kent were greater than of any other part of England, and the people were for the most part "acquainted with good letters and trained in the knowledge of the laws." It is well ascertained that the Willard family were established in Kent as early as the conquest. They held lands as tenants *in capite* of the king, filled various stations of usefulness and honor, and had a substantial stake in society,—sharing fully its interests, enterprises, and struggles for advancement. It is also noteworthy, as indicating the moral and religious elevation of this family, that from the period of the Reformation, in every generation, it gave some of its sons to the holy office.

The progenitors of the American family of Willards were a brother and sister, Simon and Margery Willard, who, in the year 1634, came to this country and settled in Cambridge, Mass. They were among the large number who about that period forsook country, friends, home,—all that this life holds dear,—seeking, as they supposed, freedom of religious opinion and worship, but providentially intrusted with the higher mission of founding a new and better Christian civilization. It would be interesting to follow, if but a



Willard Hall

lished at Westford, and the way thus opened to the grandson for a liberal education. The *moral sentiments* of the boy, naturally strong, could not have been otherwise than invigorated by contact with such a grandfather; but the early development of that delicate moral and religious sensibility which so toned and regulated his whole character, bearing the rich fruits of his after-life, is directly traceable to the mother's hand. The moral and religious life has its basis in the affections and sentiments; and of these the best culture lies within woman's province.

Mrs. Hall was a woman of much force of character and of fervent piety,—trained in early life under the ministry and personal influence of Rev. Daniel Emerson, the pastor of her native town of Hollis. Mr. Emerson was a convert under the preaching of Whitefield, and partook largely of the fervent, evangelizing spirit of that truly apostolic man. He became himself a preacher, eminent for eloquence, learning, and for a certain indefinable moral elevation and purity, which, blended with a sympathetic spirit, bringing it into a close and warm contact with the hearts of men, was, by its assimilating influence, more effective than his eloquence or logic in moulding the religious life of his people at Hollis. It was the spirit of such a teaching and example that Mrs. Hall received and imparted to her own family life. What was the precise mould into which that family life was cast,—what its methods of instruction and discipline for the younger members,—of all this we need not inquire. In these respects families vary endlessly, each having its own proper individuality. But what it concerns us to know is that the law of this household—by which is

meant the general direction given to the aspirations, aims, and habits of the family—was based on such principles as these,—reverence for the divine, faith in the unseen, obedience to just authority, the subjection of inclination to duty, love of truth, unwearied effort for self-improvement, living not for one's self alone. Such were the germinal principles out of which grew and matured the life and character we this day commemorate. The early bloom his mother lived to see, but not the rich fruitage. She died in 1802, just as her son was entering upon his manhood.

Of Judge Hall's school and college life few incidents remain to us. It was one of hardship, marked by the determination and struggles of a lad, conscious of strong mental capacities, to develop them, with inadequate means and against difficulties and discouragements. For, his father had what are not unfrequently found associated,—a large family and small means; but, in this instance, these were associated also with noble aspirations. Writing, in years long after, Judge Hall touchingly alludes to his father's sacrifices to keep his children at the school in Westford. He also, in this connection, refers, with not a little satisfaction, to the time when, a small boy, he trudged two miles on foot to school, with dinner in his pocket—a discipline to which he ascribed largely his fitness to encounter the stern responsibilities of after-life.

As the boy grew, the academy at Westford, established mainly through his grandfather's efforts, held out hope to his maturing aspirations after an education. Here he remained two years, with such proficiency and promise as to enlist on the part of his preceptor, Levi Hedge, an interest

which ripened into a never-forgotten friendship. Mr. Hedge afterwards became a tutor at Harvard, and was the father of Dr. Hedge, at the present time a professor in that institution. The friendship of the preceptor and the aid given to his young pupil in this crisis were ever gratefully remembered. The accumulating infirmities of ninety-three years could not dim the recollection of it. Writing as late in life as August 14, 1873, to Mr. Sibley, an officer of the university, he adverts, with a touching pathos, to his early Harvard struggles, and to the friend who had sustained him. "I should like," he writes, "to hear something of Levi Hedge, to whose partiality for me I owe my education, through privations and hardships and conflict, that placed me at last in the upper current of the struggle; by which I trust I have done something for the good of others. I remember him with lively gratitude." At thirteen years of age (in 1794) he was examined and received into the Freshman class at Harvard University. But from some unexplained cause, most likely prompted by that abhorrence of the superficial which through life was one of his marked characteristics, he seems to have reconsidered his plan. He returned to the academy at Westford and spent another year in preparation for the university course. He entered the Freshman class in 1795, and graduated in 1799. Harvard was then under the presidency of his kinsman, Rev. Joseph Willard, distinguished both as a scholar and as a divine, whose administration through a period of twenty-three years was eminently successful. It may be doubted whether Harvard, at any period of its long service to the country, has given to it so many young men who have

since attained great eminence. Among Judge Hall's contemporaries at college were Horace Binney, William Ellery Channing, Joseph Story, Washington Allston, and Lemuel Shaw, not to speak of many of less note. He estimated the value of his college training all the more because it was severe,—taxing his powers to the utmost. His views of education were after the old school; rejecting, with little patience, all schemes of learning made easy, holding the true object and value of education to be, not so much to lay up some definite stock of knowledge as a sort of capital to trade upon, but rather by discipline to develop the mental faculties, rendering them vigorous and discriminating, capable of grappling with and solving the problems of life,—a discipline to be effected only by the habitual exercise of the faculties to their utmost capacity for the time being. His proficiency as a college student must have been excellent in all branches; but there is reason to suppose that his leading interest was in the ancient classics, which at that day held as yet unchallenged a predominant place in the college curriculum. His appointment to deliver a Latin oration in the Junior year would seem to mark some distinction in that department of study. Besides, his style of composition, in its purity, terseness, and vigor, bore strong traces of early and thorough classical culture. It was in later life his earnest advice to young men at the bar to continue and improve upon their classical studies by rigorously appropriating to them some small part of each day.

After graduating at Harvard, in March, 1800, he took his place as a law student in the office of Mr. Dana, then a practicing lawyer at Groton. There he realized the inesti-

mable benefit of association with men of high character and attainments in the profession of his choice. The leaders of the bar at Groton were Timothy Bigelow and Samuel Dana, both lawyers of more than a local reputation. Judge Hall, in later years, recalling some of the incidents of this interesting period of his life, thus wrote of the men who were his youthful professional models: "The offices of Mr. Bigelow and Mr. Dana were nurseries of lawyers. Mr. Bigelow," he writes, "was a man of great ability and elevated moral and religious character. His speaking was rapid—rapid to a fault; but it was earnest, energetic, and full of matter. He filled the circle in which he moved; but on the broad extent of his State and nation he never attained to the eminence that was his due. Personal idolatry, so rife now, was then unknown. Mr. Dana was a good lawyer, a graceful speaker, with a melodious voice, an interesting gentleman. He abounded with anecdote; there could be no more entertaining companion." Mr. Dana filled many high official positions,—was President of the State Senate in 1807 and 1808; a member of the State Constitutional Convention in 1820–21; Representative in Congress in 1814–15; and finally Chief-Justice of the Circuit Court of Common Pleas in Massachusetts from 1811 to 1820.

Of Judge Hall's proficiency in legal study, and his full qualification for the profession of his choice, the sequel affords, perhaps, the most impressive evidence; but it may not be amiss to record the testimony of Judge Dana, in a remark made to his pupil many years afterward. Said he, "When you left my office, I had not a misgiving concerning

you. I was as confident of your success as a farmer is of a crop from a well-cultivated field."

After a three-years' course of study in Mr. Dana's office, in March, 1803, he was admitted to the bar of Hillsborough County, New Hampshire.

We reach now, in this rapid sketch, what is the critical period of a young man's career,—his first assumption of the responsibilities of manhood. It is true that the value of good natural parts is great; the advantage of early right culture is hardly to be estimated; but, after all, there is in every man a self-determining will, which makes him the ultimate architect of his own character. To Judge Hall, that juncture in life at which the determinations and purposes are fraught with such weighty issues seemed more than ordinarily perplexing. He was without money,—with no resource for the future other than a profession as yet untried. At his own home the bar had become crowded, and, under the keen competition between the younger members, there had begun to creep into the profession questionable practices, such as he not only would not adopt, but the contact of which he could not endure. He must seek a sphere of professional life more congenial to his nature. But where to find it? The question was perplexing. Writing to his tried friend, Levi Hedge, he says of himself at this juncture,—

> "The world is all before me,
> Where to choose my resting-place,
> And Providence my guide,"—

words to which he recurred in a letter written at the age

of ninety-three years, as he then expressed it, "with a most feeling sense of their truth and verification."

While thus revolving in his mind the uncertain future, there fell under his eye a speech of the elder James A. Bayard, then in Congress. His attention was arrested by some observations of Mr. Bayard, in which he represented the bar of Delaware as of high moral position, and the practice as reasonably remunerative. To use his own expression when relating the circumstance to the writer of these lines, in a casual conversation, years ago, "he slept upon that speech." In the morning his determination was reached, and following his decision with that promptness of action which marked his life, he, the same day, addressed to Mr. Bayard a letter so characteristic of the man, and so expressive of his situation, prospects, and impulses at this interesting crisis, as to warrant its preservation. Under date of October 9, 1802, at Groton, he thus addressed Mr. Bayard,—

"SIR,—Perhaps I intrude upon moments devoted to better purposes. Perhaps to comply with my request would be a waste of your time and attention. If so, pardon the presumption which urges a distant stranger thus to address you, and bestow not upon him that consideration to which he professes no claim.

"I was born in Westford, in the commonwealth of Massachusetts; was educated at Harvard University, in Cambridge, and am now reading law with Samuel Dana, Esq., a gentleman with us eminent in his profession, probably to you unknown. In this part of the country three years'

uninterrupted study completes a law education. By this rule I shall finish mine in March next, and shall in that month be admitted to the bar in this county. In this part of the country there are too many lawyers in proportion to the law business. This disproportion has occasioned many low practices (among some lawyers) in a profession which I expected was worthy of the esteem and respect of society. On this account I shall seek some quarter where the prospects of the profession are more promising than with us. From some observations made by you on the floor of Congress, I have been induced to wish a settlement in the State of Delaware. The circumstances, prospects, and encouragements of the profession in that State are the objects of my inquiries. I would request you, sir, to give me some information relative to these points by sending me an answer to this letter. You will thus assist a man to set out in life and confer a favor which may cost you little trouble, but which may do me great service, and which a grateful mind shall never forget.

"This request is made on the score of universal philanthropy. Compliance will lay an obligation on one from whom there is small prospect of return, and can have no reward but the reflection that you have increased the happiness of a brother of the human race, and added one to the number of those who bless God for giving you existence.

"I am, sir, with respect, yours,

"WILLARD HALL."

"The gentlemanly and favorable answer of Mr. Bayard,"—so afterwards wrote Judge Hall of this incident,—"induced

me to make choice of this State for prosecuting my profession." Let us pause in our narrative to acknowledge, even though at so late a day, the service rendered to our State by the encouraging reply of Mr. Bayard to this stranger,—a service certainly not the least in all its consequences among those for which his name has been so greatly honored. Judge Hall always held his memory in grateful remembrance. Writing of him on one occasion, he thus testified his own appreciation of Mr. Bayard's high character: "His was not," writes the judge, "a noisy fame; but no man's was more solid. Those who knew him held him in the highest estimation,—a man of elevated principle and commanding intellectual power." . . . "Of the bar of his State he was the pride, and most justly; he was an ornament of that of the nation."

Admitted to the bar in New Hampshire in March, 1803, with no delay he left his father's house in Westford, April 7th, and, travelling the whole distance on horseback, he reached Wilmington, Delaware, on the 16th of the same month. Finding Mr. Bayard absent from home, in attendance upon the spring sessions of the court in Georgetown, he pursued his journey to that place, where he presented himself to Mr. Bayard, and also to Mr. Rodney, with letters of recommendation from the late Harrison Gray Otis, of Boston, and with the certificate of his admission to the bar in New Hampshire. Upon motion of Mr. Bayard, and on a favorable report of his qualifications made after an examination by Mr. Bayard and James P. Wilson, then at the bar in Georgetown (afterwards a distinguished divine in Philadelphia), he was admitted an attorney and counsellor of

that court, and in the following month of May settled at Dover for the practice of his profession.

The bar of this State was at that day adorned with men of commanding ability, held in high confidence of the people, some being of national reputation, whose names were the pride of the State. Among its leaders were James A. Bayard, George Read, Cæsar A. Rodney, Nicholas Van Dyke, and James P. Wilson, with younger men of great promise, such as James Rogers and Louis McLane, Thomas Clayton and Henry M. Ridgely, Thomas Cooper and Peter Robinson. It was among such men he stood,—young, a stranger, without family prestige, without fortune, without experience, without friends, without as yet a name; but bringing to his profession a guaranty for success better than all these, viz., elements of character and professional qualifications such as the necessities of society demanded, and which were certain when discovered to be called into requisition. His success, though slow, was progressive and enduring, bringing in due order and season professional patronage, the respect of the bar, social position, wealth, and honors, and,—what he no less rejoiced in,—opening to him wider spheres of usefulness.

As a counsellor at the bar, he became distinguished for his legal learning, sound judgment, and such fidelity to a trust as made the client's interest all his own. In argument, his method was to grasp firmly the governing principles of the case in hand and to present them lucidly and forcibly, compelling conviction. He has been represented by the elder lawyers as being, on occasions, eloquent; yet few, if any, had less of the common arts of oratory. His

eloquence was that of an earnest mind, itself possessed by overmastering convictions, which, when great interests were at stake, expressed themselves without art under the promptings of a refined and cultivated nature, and commanded, as he always sought to do, not so much the applause of his hearers as their assent. In all professional transactions he was singularly painstaking, conscientious in devoting his whole energy to any business, without measuring its importance, and for one trait especially distinguished, viz., a marvellous faculty of being always ready. It was once the remark of the late Chancellor Ridgely, made from the bench, that he had never called a cause of Willard Hall's in which the answer was, "not ready." Qualities such as these could not be long confined, except through his own choice, to the limits of a professional career. Hardly has he ceased to be a stranger and become well settled at the bar, when he is called to stations of public trust. In 1812 he was appointed Secretary of State under Governor Haslett, which office he held during the Governor's term of three years. Soon afterwards, in 1816, he was elected, together with Louis McLane, to represent this State in the Congress of the United States; and he was re-elected to the same station in 1818. Congressional life was distasteful to him; he wearied of it; his energies, though untiring, and his capacities for usefulness, though of the highest order, sought a more congenial exercise in quieter spheres of duty. So, after two terms, he declined a further service in Congress, and returned to professional life. In 1821 he was again appointed Secretary of State under Governor Collins. In 1822 he was elected a member

of the State Senate; and on the 6th day of May, 1823, on the decease of Judge Fisher, he was appointed by President Monroe District Judge of the United States for Delaware District. Soon after this appointment he removed to Wilmington, where he resided until his decease. He retired from the profession, as he has himself expressed it, "wearied with twenty years' labors and anxieties; toiling, as he had, harder for his clients than they would work for themselves; and feeling more deeply than they felt for their own interests." The appointment was an eminently fit one, whether considered in its bearing upon the man or the office. To him, it brought relief from a profession harassing to a sensitive temperament, with a congenial employment for the future, and much leisure for maturing those plans of larger usefulness which he had already begun to meditate. To the office, the appointment brought a judge combining in a rare degree all the requisites of learning, exalted purity, dignity, and the public confidence.

He held the office of district judge through the exceptionally long term of forty-eight years, retiring from it in December, 1871, in his ninety-first year, with faculties still unimpaired, except that bodily infirmity had disabled him from protracted labor. How he discharged the duties of his high station—with what promptness, diligence, impartiality, ability, and dignity—with what singular affability to the bar and tender consideration for the convenience of every one except himself—need not be described among the people who were so long witnesses of these qualities. His judicial administration was eminently conservative. Though possessing an exquisite sense of justice, and ever

anxious to bring into harmony the law and the right of the cause before him, yet he was never known to warp the rules of law, much less to be drawn into the error of judicial legislation. The justice of the particular case, whatever his desire to serve it, he could never set against the higher interests involved in the certainty of the law as a rule of conduct for society. He regarded the common law as a system of principles, embodying not the wisdom of one man, nor even of one generation, but the collected wisdom of ages, the fruits of the matured experience of society; and he held it to be the duty of the judge to declare and administer the system as he finds it,—not, it is true, without some necessary development and new applications of its principles to the multiplying interests and varying conditions of a progressive society, but without overturning rules once settled, and upon which the faith and transactions of society have come to rest. Changes in these he wisely left to the legislative function. He heard cases brought before him with unwearying attention,—an attention quickened not so much by his courtesy to the bar, though in that he was exemplary, as by his anxiety to arrive at the truth and justice of the case. And, under the like anxiety, his administration of the rules of practice and procedure was extremely liberal and free from technicality, never excluding a suggestion which promised in any degree to elucidate the questions at issue. In trials at *Nisi Prius*, his naturally clear apprehension and thorough early legal training enabled him promptly and satisfactorily to dispose of the questions which arise for immediate decision. Of important or doubtful questions, held under advisement,

his examination was always painstaking and thorough; but his written opinions exhibit rather the results than the processes of investigation. He was usually content to enunciate the governing principles of the case, without elaborate discussion, and to apply these principles to the facts presented for his adjudication. And this he did with perspicuity and cogency, such as usually commanded assent, but always respect. What is said of Mr. Webster might be well applied to him,—that his statement of a case was an argument. A marked characteristic of his legal judgments was a robust common sense, and such a simplicity of style and expression as to make them not difficult of comprehension by an unprofessional mind; also a freedom from all affectation of learning, although his opinions were pervaded by that maturity of view and conclusiveness of reasoning which only sound learning and mental discipline impart in a high degree. To speak here of his impartiality and inflexible justice would, to those who knew his unique, unapproachable purity, seem almost a reflection. Worn by him, the judicial ermine, the symbol of a spotless purity, seemed rather to receive than to impart lustre. It will be quite safe to add that no act of his long judicial administration encountered criticism save one. That was the discharge by him, in the year 1866, under a writ of *habeas corpus*, of certain prisoners held at Fort Delaware by the military authorities of the United States, under a conviction and sentence by a military commission, upon a charge of murder committed in the State of South Carolina. The murder was charged to have been committed upon soldiers of the United States army while in service; and on that

ground, although the prisoners charged with the murder were themselves not soldiers, but citizens (three of the State of South Carolina and one of Georgia), and although the civil authority had been re-established and the courts were open, they were held to be answerable to the military power. They were tried by a military commission in South Carolina, convicted, and sentenced to death. The sentence was commuted by the President of the United States to imprisonment for life at the Tortugas, and they were sent by his order to Fort Jefferson, in Florida. Thence, under another order from the War Department, the prisoners were removed, in August, 1866, to Fort Delaware. While there, in custody, relief for them was sought by a writ of *habeas corpus*, bringing them before Judge Hall. It was insisted for the prisoners that the proceedings of the military commission were in violation of their right as citizens, under the constitution of the United States, to a trial by a jury in the civil courts. The question was certainly a grave one, presenting nothing less than a conflict of jurisdiction between the civil and the military power of the country. It called him to the highest, most delicate, and most difficult of all the judicial functions,—that is, to sit as an arbiter, not between citizen and citizen, nor between citizens and the government, but between the government and the original sovereignty of the people embodied in the fundamental law of the constitution. For, it must be observed, the case in its main issue—an issue rising high in its interests and consequences above the desert or the fate of the prisoners—was a trial of the strength and value of the constitutional guarantees for personal liberty. In

the late struggle for the preservation of the Union against the great rebellion, it would have been a marvel of moderation in the government, unparalleled in history, perhaps impossible under the necessities of the crisis, not to have strained at some points its constitutional authority—not to have trenched somewhat upon the safeguards set up by the constitution for the rights and liberties of her citizens.

In such a crisis it is only the judicial power which can interpose on behalf of the citizen, and recall the erring department of the government to its constitutional orbit of power; and hence the integrity and firmness of the judiciary in upholding, in every emergency, the paramount authority of the fundamental law may be considered the crucial test of the security and value of our political institutions. Probably never in the history of constitutional government has the judicial function been subjected to a more severe trial than under the exigencies growing out of the late rebellion, one of the most marked instances of which was the case brought before Judge Hall. No citizen more highly than he estimated the value of the Union, nor more loyally sustained the government by all his influence in the struggle for its preservation, nor more heartily rejoiced in its final and complete success. Nor could he, with indifference, find himself placed officially in conflict with his government, nor be insensible to the gravity of the question. "I feel," he says, in announcing his opinion, "the peculiar burden of it." But he could neither fail to see nor shrink from declaring, that under the constitution, which was the supreme law of the land, the persons before him, being

citizens,—not belonging to the army or navy of the United States,—could not be held under sentence of a military commission, but were amenable for their crimes only to the civil tribunals. The dangerous assumption that for an alleged offence against soldiers they should be themselves the judges, while the civil courts were open for redress, was but a cobweb to his legal discrimination. "This assumption," he says, "is neither logical nor legal. In so small a body comparatively as the army, so associated, and united with so much in common, there must be an *esprit de corps*, that in cases of collisions with citizens will not allow us to expect impartial justice, while the broad ground of citizenship is liable to no such objection." He then proceeds, with his wonted perspicuity and force, though at the close of his eighty-sixth year, thus to set forth the origin, scope, and value of those safeguards so anxiously provided by the constitution for the protection of the citizen against illegal acts of power. "Our government," he declares, "is a government of law, both National and State. This is its distinctive character, the element of its freedom, constituting its excellence, and insuring its permanence. The fundamental principle, upon which rests the objection taken for the prisoners to the cause of detention set forth in the return in this case, has come down to us from remote times, marking as noble the men who asserted it, and exalting in historic estimation the generations in which it has been maintained. With the general principles of freedom it specially had occupied the minds of the extraordinary men contemporaneous with the original settlement of these States, and in subsequent times to and immediately

following our Revolution; it led to this Revolution, gave it its form and spirit, and inspired the institutions growing out of it. It was diligently studied, under instructive experience, and carefully framed and embodied in the organic laws of the States of the Union,—the conventions of the people, when adopting the constitution, exacting as a condition that the explicit assertion of this principle should be added to the original draft and established as fundamental law. We read it as thus established: 'No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger;' . . . 'nor be deprived of life, liberty, or property, without due process of law.' 'In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State or district wherein the crime shall have been committed.' Such language, so used and sanctioned, cannot be a dead letter; such enactments must have force. They are where we find them, placed there with great deliberation, because the lights of experience had manifested that the people needed them for protection and safety." The enunciation of these principles—perhaps the most important within the range of constitutional law—was among the last acts, perhaps the last important act, of his judicial life; and, rightly considered, was its crowning glory. To the honor, be it added, of the Executive Department, it acquiesced in the authority of the constitution judicially declared; and thus, so far at least as *its* action could go, it was shown that a great and powerful government, able to

subdue armed rebellion against its just authority, could submit itself to the fundamental law which had created it and defined its powers.

The business of the District Court during Judge Hall's term of service was of limited amount. The draft from this source upon his attention was light, leaving him much leisure. But let it be noted that from his entrance upon the office until he was quite disabled by age, his leisure from judicial duty was devoted mainly to the service of the State in other fields of labor. To some of these we must now advert. In 1824, shortly after his appointment as judge, he was requested by the Legislature to revise and digest the statutes of the State. It was an undertaking of great labor—one requiring much discrimination and legal judgment. The laws then extended through six large volumes, and were greatly confused in consequence of the fact that on all important subjects of legislation the original statutes had been, from time to time, amended, supplied, and varied. It became necessary to ascertain the existing law by collating all the statutory provisions relating to the particular subject, and then to embody the result in a bill or chapter, prepared for the purpose, in clear, legal phraseology, repealing all former acts *in pari materia.* The work was completed in 1829, reducing the six volumes to one octavo volume; and this so far served the object proposed, that during the twenty-three years which elapsed before another revision was made in 1852, it has been truly said that "not a difficulty in practice, nor a vexed question, nor a perplexity, was occasioned by the work. The Legislature, at its session in

1830, acknowledged the service by a vote of thanks to Judge Hall, "for the very able and faithful manner in which he had acquitted himself of that important trust."

To another and perhaps higher trust he was called in the year 1831, by his election as a delegate from New Castle County in the convention convened to frame a new constitution for the State. He received then a rare and impressive testimony of the universal confidence and high estimation of the people, in that for this, perhaps the highest of all political trusts, he was placed on the ticket of both parties and chosen without opposition. The leaders of that convention, with whom he was to be a co-worker, were such men as John M. Clayton, James Rogers, and George Read, Jr., representing, with himself, the best talent and experience of the State. In the distribution of the work of the convention there was assigned to a committee, of which he was the chairman, the duty of drafting the provisions relating to the Executive Department of the State. It would be superfluous to say how this duty was discharged. Material amendments of the old constitution touching this department, were reported by the committee; all which, of importance, were approved and adopted save one. That was a provision subjecting the executive appointment of the higher officers—judges, attorney-general, and register of wills—to the concurrence of the Senate, leaving unrestricted the appointment of all other officers. This check on the executive power was urged by Judge Hall as an important security, approved by all experience, against unadvised or mistaken appointments to offices involving very grave interests. After much discussion his views prevailed. The provision

was adopted, and stood as a part of the proposed constitution until the close of the session, when, on the final vote upon adopting the amendments as a whole, this clause was stricken out without discussion. Whether the convention wisely reversed its first conclusion, must be treated as at least an open question. It was, however, to the reconstruction of the judicial system that the labors of the convention were chiefly given; that being in fact the controlling purpose for which the convention had been called by the people. The old system, formed after the English model of having two law-courts of concurrent jurisdiction, in addition to a court of chancery, had been found to be cumbrous, expensive, and more than was requisite for the law business of the several counties, after the accumulated litigation consequent upon the Revolutionary period had been disposed of. The old system could not be modified; a total reconstruction was determined upon. A wide field was thus opened for suggestion and discussion, resulting in the proposal of several and very diverse systems. It should be noted as significant of the thorough and disinterested attachment of Judge Hall to the State, and of his abiding solicitude for the honor and prosperity of the bar, that although now permanently separated from the profession and excluded from any part in the judicial system of the State, whatever it might be, he devoted his best powers to a subject so deeply involving the welfare of his former profession as well as of the people. "I feel upon this subject," he says, in his usually earnest manner, when first addressing the convention in relation to it, "more anxiety, probably, than upon any other worldly matter." He, together with some other

professional delegates, supported what is known as the *one judge* system, vesting the whole judicial power of the State in three judges, one to reside in each county. His views were certainly maintained with ability and force; but the convention was not prepared for so great a transition as to accept three judges instead of nine, the former number. The present system of five judges was adopted; and, doubtless, it was a wise medium. Few reported discussions upon constitutional questions will be found more interesting or instructive than those then elicited by this subject.

This rapid survey of Judge Hall's official career by no means sums up the whole service rendered in his long and useful life to the State of his adoption and cherished affection. It is even doubtful whether his unofficial and purely voluntary services, though less conspicuous, were not more valuable and far-reaching in their influence. Other men, qualified and willing, might have been found to serve successfully in public stations—as Secretary of State, Legislator, Congressman, Conventional Delegate, and Judge; but who would have supplied his place as the founder—the ever watchful guardian of our system of free schools? the organizer and maturer of the present excellent system of public-school instruction in this city? A fruitful chapter in his life and labors is here opened; one which, though it presses hard against the limits assigned to this sketch, must have more than a passing notice. Truly may it be said that his life and the life of the school system—its growth and prosperity—have been so interwoven that neither can be appreciated without the other.

General primary education was a part of the fundamental

policy of our State, early adopted and steadily adhered to, even through great difficulties. The constitution of 1792, framed just after our people had emerged from the struggle for independence, expressly enjoined upon the Legislature "to provide for establishing schools." The Legislature of 1796 made its first essay in that direction by an act setting apart certain revenues of the State, to be invested as a fund for common-school instruction. By the year 1817, the school fund had accumulated to an amount sufficient to yield an available income; and then the Legislature began to consider how they might use it. The scheme first attempted was to apply it to the education of poor children, through the intervention of trustees appointed throughout the counties. Few, however, of our people were found willing to have their children schooled as paupers; and so this effort failed, as it should have done. No further attempt was made for some years toward framing a general school law. The subject was new and perplexing; in other States there had been as yet little experience in educational systems to guide us; our own efforts had been only tentative, resulting in discouraging failure; public opinion was, as yet, unformed, and full of conflicting views; the work was one of much necessary detail, offering points for endless diversities of honest opinion, not to speak of the cavils of ignorance and prejudice. Certainly, under such circumstances, the task of taking up the subject *de novo*, in a large and comprehensive spirit, and of working out in all its details a system which should be at once efficient for its purpose and in harmony with the genius of our people, was not an easy one then, however it may seem now. Evi-

dently, the one thing needful was a man of ability, experience, courage and patience,—that patience which springs from a generous, self-forgetful enthusiasm for the public welfare,—a man so qualified, and willing to make this his own exclusive work until it should be fully accomplished. The exigency was happily met. In 1822, Judge Hall became again the Secretary of State, appointed by Governor Collins. Among the measures of State policy which it was the constitutional duty of the Governor to present for the action of the Legislature, the school question was the one measure of most urgent interest. We know not, except as they may be inferred, the reflections which at that juncture were working in the mind of the Secretary of State,—whether his own early struggles for an education, and its well-proved value to him, had wrought an exceptionally exalted estimate of its importance to all; whether gratitude to his adopted State, which had so cherished and honored him, had begun already to develop that devotion to the welfare of its people which so distinguished his after-life; whether he was prompted by a sense of duty to the Governor as his constitutional adviser; or whether, as is more probable, he was impelled by all these considerations—certain it is that the Secretary then took up the interests of popular education in this State with a grasp which relaxed only after fifty years of labor, and under the infirmities of great age. It became, thenceforth, truly his life-work. He matured, and the Governor, by a message to the General Assembly, presented, and with great force of reasoning recommended, what in principle and outline became, and still remains, the school system of this State. The scheme pro-

posed the division of the counties into school districts, with legal authority in the qualified voters of each to establish and maintain free schools; each district to receive a fair distributive share of the income of the school fund, upon the condition of its raising, additionally, a sum adequate, with the dividend from the school fund, to maintain a school. The scheme, as explained and enforced by the Governor's message, so far harmonized conflicting opinions as to promise a practical solution of the long-vexed question, how to make the school fund available; and so, at a subsequent session of the Legislature, Judge Hall was requested to mature the plan in further detail, and to embody it in a statute. The result was the school law of 1829. Since that time the system has been, of course, revised, modified in details, adjusted in some points to the results of experience; and, as it is to be hoped, its efficiency has been much improved by the act of the last General Assembly, providing for a State superintendent and board of control, with power to supervise the methods of instruction, and to raise the standard of the qualification of teachers. But, in its essential principles and general framework, the system of 1829, devised by Judge Hall, remains, after a trial of now half a century, well approved by experience and by the public judgment.

The distinctive, fundamental principle of this system is that it is the people who educate their children, and not the State for them. To the people themselves, voting in the school districts, is intrusted the power and the responsibility of determining whether they will have a good school, or an inferior one, or no school; the State granting a substantial aid in the equal division of the school fund, but not

coercing the action of the people nor divesting them of their proper responsibilities. Whether this, or the contrary system of compulsory education under the direct and exclusive control of the government, is most in harmony with the genius of republican institutions; which of the two systems is best adapted to educate the people themselves by forming them to habits of reflection and judgment upon interests of highest concern, quickening their faculties, broadening their views, and disciplining them to patience and effort; and which of the two systems is most likely to form the generations educated under its influence into thoughtful, self-relying, liberty-loving citizens,—*citizens*, not *subjects*,—these are questions not now to be discussed. They are only referred to in order to suggest that they received from the framer of our present school law many years of thoughtful reflection, with an attentive observation of the practical working of the two systems in this and in other countries; the results of all which are given, with fulness and force, in his annual reports made through a series of years as superintendent of the schools in New Castle County.

It is very far from an adequate estimate of the service of Judge Hall to the cause of popular education in this State to regard him only as the founder or organizer of the school system. That was but the commencement of his labors. Not content only to frame and inaugurate the system, he watched its operations with ceaseless vigilance, encouraging effort, conciliating honest dissent, shaming selfish cavils and narrow prejudices, studying to the utmost detail the practical working of the system, seeking legislation to remedy

its defects and to improve its efficiency. He was the ever-ready adviser of school commissioners and teachers, even in the selection of school-books and the adoption of the best methods of instruction. His care of the schools was paternal. The father of a family does not with more solicitude and watchfulness provide for the education of his children. In New Castle County, where his personal influence was more direct and operative, he organized an annual school convention, in which delegates from the districts met and discussed the interests of the schools, and reports were made of their progress. These reports he examined in their minutest details, classified their results, and published them in pamphlet form with the proceedings of the convention, and with his own observations upon the then present condition and necessities of the schools. These pamphlets he took means to circulate in all the districts from year to year, as a means of diffusing information and quickening interest in the subject. The office of superintendent of the public schools for New Castle County, which during all these years he held under a commission of the Governor, was hardly more than an honorary appointment, being without emolument or any defined duties. It was not needful either to quicken his interest in the schools or to add to the weight of his personal influence on all questions touching their welfare.

Another field of labor in the cause of popular education, quite distinct from the one just contemplated, not less laborious but perhaps more speedily fruitful of results, was, in 1852, opened to him in Wilmington. Under the original school law of 1829 this city was divided into ten districts.

But it soon became apparent that to meet the needs of a city population the better policy was to *concentrate* means and effort rather than to divide and localize them as in the country districts. Accordingly, under the provisions of an act of the Legislature, passed in 1833, nine of the city school districts were consolidated into one, for which, by uniting the school dividends of all, one large school-house was built at the corner of French and Sixth Streets, with two rooms,—one for boys, the other for girls,—each containing one hundred and twenty-five seats. Certainly, a small beginning was this, falling far below the real needs of the city; yet its very inadequacy served to provoke discussion, to stimulate inquiry, to excite aspirations for better things; and so it prepared the way for the organization of the present Board of Education in 1852. The principle earnestly maintained by Judge Hall in the discussions of that period was, that an elementary education at the public expense should be extended to all who might desire it. He enforced it both as a duty to the young and on grounds of high political expediency. His argument was, that "of all productive power, that of mind is most fertile, not only as manifested in improvements and enterprises, but in contributing to the general comfort and prosperity, in innumerable and frequently imperceptible ways. But for bringing this power into exercise there must be mental culture, the loss from the want of which is incalculable, as well to the community as to the individual." These wise and liberal views prevailed, though against no small discussion and differences of opinion; and with the approval of the people, in town-meeting, the act of 1852 was framed. It

provided for a board of twelve citizens, to be elected by the people, who were expressly charged by the act to enlarge the school accommodations until they should include all children for whom their benefit was desired, and were empowered to raise by taxation, through the City Council, the sums required for the purpose; with power also to the City Council to borrow the money requisite immediately for the building and furnishing of new school-houses. Very grave and responsible powers were these for the raising and disbursement of large sums of money; but it is grateful in these days to note that during the twenty-five years of its exercise the fidelity of the Board to its high trust, or of any member of it, has never been impeached; and that its determinations, although sometimes drawn into question, have in the general results received the public approval.

The policy of the Board was to provide commodious and attractive school buildings, located in convenient parts of the city, and to employ teachers of superior ability. It proceeded cautiously but persistently, as necessity required, and as its means warranted, both to increase the extent of school accommodations and to provide some schools of higher grade. The hindrances and oppositions it encountered at some stages, its gradual progress, and final complete success, there is not time now to trace, interesting though this would be. Suffice it to say, that starting in 1852 with one school building, containing two rooms, two teachers, and sittings for two hundred and fifty scholars, there are now, according to the report of 1874–75, seventeen buildings, containing ninety-eight rooms, ninety-eight teachers, and over six thousand enrolled scholars. The

public-school property has now an estimated value of $173,395.20. The system embraces the several grades of primary-, grammar-, and high-schools, all in vigorous and successful operation. Connected with the system, as valuable auxiliaries, are the teachers' institute and the normal school, adapted to the improvement of teachers, both in scholarship and in the methods of instruction. The night-school, for the benefit of those who are by day-labor debarred from the advantages of the public schools, which was originally a voluntary organization of a few benevolent citizens, has been brought within the operations of this Board. A more steadily progressive, solid, and enduring success has seldom, if ever, attended any educational enterprise. It is a grateful reflection that he whose labors entered so largely into the foundation of our system of public-school instruction was spared to see the noble superstructure that has been raised upon it, though himself withdrawn from the work for some years by the infirmities of age. On the evening of the 28th of March, 1870, he met for the last time the Board of Education, over which he had presided since its organization, in 1852. He then announced in few words the necessity, through age, of his retirement; received from the Board, by a unanimous, rising vote, its testimony, given "in the name of the people of the city of Wilmington," to "his untiring, faithful, and efficient service in the cause of education in the State of Delaware and in the city of Wilmington;" and thus, with the simplicity and unostentation so characteristic of his whole life, he closed the long record of his forty-eight years of service to the educational interests of this State, commencing, as we have seen, while he

was Secretary of State, in 1822. Doubtless, none will be so able to appreciate and ready to acknowledge the inestimable value of his services as the men who, succeeding him in these labors, have thus far built so well upon his foundation.

It is an infirmity of our nature that the mind, while intent upon accomplishing some leading scheme of usefulness,—one exacting much thought and labor,—is liable to lose its grasp upon other objects perhaps hardly less important. The philanthropy of most men spends itself upon some special schemes of benevolent action, in which, from early education or the associations of after-life, they may happen to become interested. A few there are—and of these Judge Hall was one—in whom a Christlike love of humanity becomes an exhaustless spring of philanthropic effort, which will find its outflow through whatever channels of good-will and usefulness are opened to it. Hence, the same yearning for the intellectual and moral improvement of society which sustained such protracted and toilsome efforts for the schools as one means to this great end, inspired no less an interest in the effort to supply at all times the Bible to destitute families,—a cause quite kindred, in its ultimate aims and results, to that of common-school education. To the Delaware State Bible Society Judge Hall gave forty-eight years,—we do not say of membership, but of service,—being thirty years its president. During all these years he carried its interests in his mind and on his heart; met once a year, in one part of the State and in another, a few kindred spirits; set before them in an annual report the operations of the society, the claims upon it, and its re-

sources; suggested methods of work; held high the standard of duty, and encouraged to renewed effort. In all those thirty years the society never met without him save once, when he was detained at home by sickness; and then, so missed by his associates was the accustomed presence and guidance, that their sense of his absence was expressed upon the record of the meeting.

A noiseless, unpretentious, unobtrusive agency,—to the mass of our people unknown, and by many who know it unappreciated,—the Delaware State Bible Society has now for a period of sixty-three years offered itself as a channel for Christian benevolence in the circulation of the sacred Scriptures; proposing, as its chief purpose, the supply, from time to time, of all the destitute within the State, through agents charged to search them out, and not only to leave the Bible with them, but to endeavor to enlist their interest in its saving truths. Further, it has offered itself as an auxiliary to the American Bible Society in its wider field of disseminating the pure Word of life throughout all countries. But beyond all this,—a result hardly less important, though incidental and secondary to its main objects,—the society presents before the world the only organic, visible unity of the whole Christian body,—that unity which was the one blessing invoked, as the sum and spring of all blessings, by the Redeemer of mankind in his last prayer on behalf of his people, of all the ages: "that they all may be one; as thou Father art in me, and I in thee, that they also may be one in us." We need not further allude to the history of this society or endeavor to trace the fruits of its efforts. It is enough to express the conviction, profoundly felt by its

members, that whatever measure of efficiency and usefulness it had attained was largely due to the labors, counsels, and example of its late president; and that to a body few in numbers, with an arduous work, slender means, and many discouragements, such a loss is quite irreparable.

It is natural to suppose that labors for the general intellectual and moral improvement, such as have been reviewed, were more congenial to Judge Hall's tastes and better suited to his endowments; yet he does not appear to have withheld himself from any scheme of benevolent effort, directed to the material welfare of society, in which he could usefully co-operate. A marked example, sufficiently illustrative of the breadth of his philanthropy, was his long and active connection with the Wilmington Savings-Fund Society, as its president, from its organization in 1832 until he was disabled from this service by great age; a noble charity, faithfully and usefully conducted, without profit to those engaged in it, for the sole benefit of persons of small savings; a service rendered to this community for now over forty years, the fruits and value of which it is quite impossible to estimate.

The Delaware Historical Society was probably the very latest social institution with which Judge Hall connected himself, being then in his eighty-fourth year, far beyond the limit at which ordinary men are held discharged from public service. But, at the organization of this society, he (together with Mr. Rogers, of New Castle) alone survived to connect the present generation with the public men of our early State history; and more for the eminent fitness of his association with the objects of the society than to add, at his advanced age, to the list of his life-long labors for the

public, his connection with the society as its president was earnestly desired. Who so fit to preside over the interests of an association having it in charge to collect, preserve, and perpetuate the honorable memories of our State history than one who, though not native born, had given to the State a far longer and more varied service than any, even of the sons of the soil; had equally with any shared its honors and confidence, and given to it his affection? He readily acquiesced in the desire of the society; and for his remaining years gave to it the prestige of his revered name, the help of his influence, and, until disabled by failing health, the encouragement of his presence.

Although from childhood Judge Hall was of strong moral and religious sentiments, it was late in the course of an ordinary lifetime that he connected himself with the Christian Church. Yet to him was given the rare blessing of being spared to fill up a larger measure of labor and usefulness in the church than is often accomplished, even by those who enter its service in early life. He became a member of the Hanover Street Presbyterian Church, March 8, 1827. Soon after, September 23, 1829, he was elected a ruling elder, the office most influential and responsible after that of the pastor. This office he held until his death. He was once, if not oftener, a delegate to the General Assembly of the Presbyterian Church. In all those exigencies which arise, more or less, in the history of every church, through the long period of his active membership, over forty years, his counsel was invariably sought, and usually it prevailed, but always was respected. With him membership in the Christian Church implied nothing short of an entire self-

consecration to the service and disposal of its Head. Therefore, in all its privileges, observances, duties, and methods of usefulness, he engaged with a hearty and unwearying zeal. Always, and with scrupulous punctuality, he was present in the Sabbath assemblies for public worship, the week-day meetings for religious exercise, the sessions of the elders and the Sabbath-school. In the latter he taught a succession of Bible classes through the long period of over forty years. That his instructions and example deeply moulded the religious character of many of the young men thus brought into weekly contact with him, and gave a happy direction to their future career, not a few, now filling honored and useful positions in the church and in society, will gratefully acknowledge. There was no post of labor or of sacrifice in the church where his aid and sympathy were not felt; there was no channel of its benefactions into which his benevolence did not find an outflow; not one of its interests but was animated, strengthened, and made more prosperous and fruitful by his influence. Even now that his labors have ceased and his venerable presence been withdrawn, the memory of him, the impressions left by his counsels and example, his name, with its almost hallowed associations, still linger in the church,—an influence potent for good to this generation at least. But let it be here noted that any bare statement of his labors and activities in the church, abundant as they were, can afford only a partial view and an inadequate estimate of his Christian character. For these were but the outward and visible fruits of an inward and unseen life; the life of faith and hope, of love and patience, of conflict and self-discipline, of prayer and study

of divine truth; a life filled, in his case, with rich and profound experiences, which would be interesting and instructive, but are hardly within the proper scope of the present sketch.

We pass on to observe that the eminent usefulness of Judge Hall's life, although more conspicuous in his co-operation with organized schemes for social improvement, was not at all exhausted by them. On the contrary, he was ever ready to aid by his presence and counsels other movements for the welfare of society such as were outside of his own proper sphere of activity. There is in the history of many, perhaps of most measures for social improvement, a period of early struggle, in which the seasonable countenance and support of those who are venerated for age, experience, and tried wisdom may influence, perhaps decide, the doubtful question of success. In all such exigencies he was the quick resort and the ever-ready helper. Was a school for apprentices about to be organized, and in need of encouragement? He brings the best fruits of his culture into a lecture designed to impress apprentice-boys with the value and efficiency of self-help; to attract them by many bright examples of self-made great men. Was a commanding influence needed to revive an expiring public interest in the Delaware Academy of Natural Sciences? It is promptly rendered in a lecture exhibiting, with all his wonted force and learning, the incalculable practical benefits of science to the interests of daily life. Is he desired by the literary societies of Delaware College to honor and instruct them by an address at one of their anniversaries? Advancing age and many engagements, so generally felt

to be an exemption from such service, were no barriers against that ceaseless flow of sympathy for young men in the pursuit of an education, which probably had its spring in the recollection of his own early efforts for that blessing. Such are but samples of the promptness and generosity with which, through a long life, he always responded to these just claims of society upon men of culture. In another direction, also, his exhaustless philanthropy found its exercise. He was always a close observer of the current of public events, and was especially sensitive to the prevalence of opinions or of practices prejudicial to the moral welfare of society. Against these were directed from time to time some of the best productions of his pen. Such was his pamphlet upon the demoralizing effects of lotteries, issued in 1846, before public opinion had become determined against this evil. Such, also, was his "Plea for the Sabbath, addressed to the Legal Profession," which, read in connection with his address on the same subject before a convention in Baltimore, held in 1844, presents an exposition of the design, obligations, proper observance, and beneficent fruits of that day, to individuals and communities, of singular force and instructiveness. To none of the great moral and social movements of his day was he indifferent. Each engaged his deliberate attention. He considered them in their origin, aims, tendencies, and probable results; formed his own conclusions, and upon these alone he acted. If from any of these movements he withheld his support, or if he fell behind in the change of direction or purpose which social movements sometimes take, it was never from indifference, but always

from conviction. To the temperance cause, as a measure of social reform, appealing to the moral sense of men, he gave from the first an ardent support, which he never withdrew. The subject of American slavery engaged his earnest reflections before it had agitated the country at large. He supported from conviction the scheme of African colonization. He was for many years president of the Colonization Society in this State. The march of events has evolved, and the nation has accepted, a contrary solution of this long-vexed question; but a result so unforeseen, and before it was accomplished so impracticable to human view, detracts nothing from the honor due to the philanthropy, patriotism, or judgment of those, including many of the best and wisest men in the nation, who were ready to accept what seemed at the time the best hope for the colored man.

In the wide and comprehensive range of his philanthropy, taking in, as we have seen, so many of the multiform interests of society at large, he missed no opportunity to do good in private and personal relations. Young men, especially, brought within the sphere of his influence, found in him an ever-ready and most judicious counsellor—one never obtrusive or officious, but always accessible and interested. Such offices of good-will are, from necessity, private; and the full extent of his usefulness in this direction can never be known. But since this sketch was undertaken a few instances have come to light. To a gentleman who, in youth, had been his Sunday-school pupil, and whom, in after-life, he saw pressed by the burdens and exposed to the perils of heavy business enterprises, there came, quite unexpected, written

by his hand, a body of counsels worthy to be written in gold, adapted to the exigencies of the career which had been the object of his friendly watchfulness. Another, the son of a friend, who had left home young to set out upon a business life, was followed by a letter of general advice, written in his old age, at great length, and with much care. Such examples cannot be isolated; for they show the strong drift of a beneficent spirit, which, in a world of weakness and error, must find not a few calls for its exercise.

Thus much for what may be called the outer life of the subject of this sketch. We will not needlessly invade the sanctities of his private life, rich as it was in much that would interest and instruct. Let it be enough to know that a character so beneficent in its relations to the public could only be of happy influence in social and domestic life; that his household was the home of the domestic virtues; the seat of intelligence, refinement, and purity; a centre of genial, social intercourse; an exhaustless spring of a hearty, generous hospitality. It was a happy feature of his private life that it affords little of striking incident for a memoir. Its current through all the years of his long career, after he emerged from his early struggles, was singularly even and tranquil, broken by few, if any, vicissitudes except the sundering of family ties, which, soon or late, must come to all. Early after his admission to the bar in Kent he was married to Miss Junia Killen, daughter of the late Chancellor Killen,—a lady, as tradition portrays her, of beauty and accomplishments. She died in the year 1824, leaving to survive her a daughter and only child, the late Mrs. Lucinda H. Porter, who was a striking representative of the mother;

and who, it may be the more on that account, became through life an object of affection and trust on the part of the father almost more than parental. The two families were as parts of one. His daily morning visit to her house was among the most unvaried habits of his life. Her children successively received their rudimentary education in his study. The first breach in this happy and long-unbroken circle, by the decease of Mrs. Porter in 1869, was a shock from which, received as it was in his old age, those nearest him saw that he never fully recovered, although he suffered in silence. In 1826 he was married to his second wife, the companion of his later years, who still survives him,—of whose excellencies it would be superfluous to speak in this community.

It has been a much easier task thus far to collect some incidents of Judge Hall's life, and to sketch an outline of his services to society, than it will be now to present any just and accurate view of the man. There can be no life-like portrayal in words of an individuality so marked and original. Let it suffice, then, to recall some of his leading characteristics, leaving it to the memory of those who knew him to supply much that must be found lacking.

In person he was rather below the average stature, slightly built, with naturally a quick, active movement, indicative of purpose,—of some great purpose in life,—which, if not always before his mind, was ever present as an inspiration. His countenance was strongly expressive both of intelligence and benignity. His whole aspect has been, for a generation or more, exceptionally venerable, such that one could not pass him without a conscious sentiment

of reverence. In demeanor, he was at once grave and cheerful, equally removed from austerity and levity,—a happy balance, not frequent nor easy to be maintained, springing in him from the mingled influence of his large comprehension of life in its serious aspects, on the one hand, and of his abiding trust in an overruling Divine providence on the other. His bearing to other persons was invariably courteous,—his courtesy not so much resting in conventional forms of politeness as springing from refined sentiment and a spontaneous outflow of good-will. In conversation he was, for his age and the deference so justly paid to him, singularly unassuming,—seldom leading it, never engrossing it; as ready to receive as to impart information; to hear as to suggest opinions; following always the flow of conversation in channels easy and congenial to others, and even to old age infusing into it a charming freshness and vivacity. His conversational resources when drawn out were rich and very instructive; for on subjects of general interest, not technical, his knowledge was both varied and thorough. His habits of life were systematic and exact. His system, however, was not a servitude to precise rules and methods, but rather the outworking of an orderly mind; the easy application to the detail of life of fixed principles of right doing. In one thing he was pre-eminent,—that is, his rigorous punctuality to engagements, springing from his acute sense of justice to others. He would rob no man,—no more so of his time than of his money. He was never behind the hour appointed for an engagement, nor did he linger after the business was accomplished. It may be doubted whether he was ever

absent from a sitting of the court, a church meeting, or any appointment for business except under a controlling necessity. His leading intellectual characteristics were a quick and clear perception, which left nothing obscure to his mental vision, coupled with a sound and cautious judgment; and from these resulted his strength of conviction and mental independence. These intellectual qualities, connected with others supplied by his moral nature, such as his patience, self-control, and his enthusiasm in the pursuit of a great object, made him the master of any subject to which he gave his powers. He was through life a student, inclined to subjects of study rather practical than speculative,—chiefly such as bore more or less upon the important interests to the service of which he had consecrated his life. Yet the attractions of closet study did not abstract his mind from current events and interests, with respect to which, and the changes and progress of opinion on great social, political, and religious questions, he kept himself in information well abreast with his times. It was a happy fruit of these habits of study, reflection, and contact with the interests of society, that his mind, like an ever-flowing stream, never stagnating, continually drawing in new elements of thought, preserved even to old age the freshness and vigor of its faculties.

The crowning excellence of Judge Hall's character—that which gave it at once its strength and beauty—was the absolute supremacy of the moral sentiments. Their influence pervaded his entire manhood, exalting his aspirations, purifying his motives, invigorating his will, regulating, harmonizing, and directing to their proper ends all his powers.

It is quite impossible here to delineate in full his moral traits. Let it suffice to recall only two or three of those, the most characteristic and influential upon his life. One of these was *his invincible abhorrence of moral evil*,—an abhorrence not based upon any calculations of its baneful influence upon human happiness, nor alone upon the prohibitions of the Divine law, but springing from the irreconcilable antagonism of a pure nature. It is not enough to say of him that a proposal swerving from the strictest rectitude could not, under any guise, have been entertained; rather we should say it could not have been made; in such a presence it could have found no standing-ground. Another trait, which none who knew him can ever forget, was *an inexorable sense of duty*, which allowed no concession to indolence or self-indulgence, no discrimination between one class of duties and another; which knew no grades in obligation. It did not spend itself in occasional acts of conspicuous heroism in duty, with which even common natures may be inspired; but it was evinced equally in an unwearied attention to the dry routine exactions of daily life; it quickened his diligence as well in attendance upon a church committee or savings-fund board as at a term of court.

A type of character so strongly ethical, so sternly self-regulating, may, to superficial view, seem lacking in tender sentiment. *Not so.* Great and strong natures have their root in acute sensibilities. A life of such noble aims, so filled with benevolent labors and generous self-sacrifices, could have drawn its inspiration and sustaining power from no other source than a delicate sensibility to all claims springing out of his relations to others and the

conditions of life around him,—the claims of affection and friendship; of sympathy with sorrow, weakness, and necessity; of charity and good-will to all men. To all such just claims upon his sensibilities he had a heart keenly susceptible, and, as need be, a hand always responsive; although of his feelings and beneficences he was not demonstrative to public observation. But we must hasten to note only one more trait in this remarkable character, *i.e., his self-abnegation.* This gave cast and coloring to his whole life. Its influence was traceable throughout in the simplicity of his habits; in his abstinence from all that could minister to mere self-indulgence; in the almost too great lack of self-assertion in his intercourse with men; in his freedom from any, even the least self-consciousness in duties which brought him conspicuously before the public—in performing all which he ever lost himself in the cause or interest which he had in charge. But in nothing was this trait of his character so strongly exemplified as in his inclination to those fields of philanthropic effort which were as yet uncultivated, bearing little or no fruit, unattractive, and discouraging, where, as a pioneer in the march of improvement, he could only hope, by long and patient toil, to clear away the obstacles of old prejudices, break up the soil of public opinion, sow the seed of wise counsels, and leave it to others to gather the full harvest of his labors. With all his great resources for public usefulness and influence, he never sought what is allowed to be the object of a noble ambition, *i.e.*, to link his name and memory with the final and complete success of some grand, conspicuous measure or institution for the social welfare. It is

true that the school-system of this State has come to be regarded as a monument of his labors and philanthropy. But it was not for this result he toiled so long and earnestly. In the retrospect of his long career, the solace of his declining years was not his wealth, reputation, success in the common objects of life,—not alone the affection of those he had loved, nor the veneration of all who knew him; but it was what he expressed in the letter to Mr. Sibley, of August, 1873, before referred to, "I trust that I have done something for the good of others." Out of the exact adjustment and balance of his moral and intellectual elements there sprang a calmness of judgment, a mental independence and self-poise, which held him unaffected by those agitations which now and then disturb the even course of society,—beclouding the judgment of men, and sometimes exciting their passions,—not unfrequently wrecking fortunes and character, and generally leaving few persons wholly unharmed. No public excitement could unsettle his self-control or sway the even tenor of a life so implicitly submitted to the joint direction of a sound judgment and tender conscience. The same right balance of his intellectual and moral constitution inspired also a calm serenity and cheerfulness under such vicissitudes in life as he was called to meet, which, however he might suffer under them, left unbroken his peace and unimpaired at all times his powers for usefulness. Yet, doubtless, he was not without infirmities. For human virtue is a treasure held "in earthen vessels," and often under the ever-active energy of strong virtues is felt the weakness of the vessel. And again, with our limited capacities, the earnestness which intensifies

effort in some lines of duty tends to relax the attention due to obligations equally important. But, though fully recognizing the truth that infirmity is inseparable from human nature, an acquaintance with Judge Hall for more than forty years—somewhat intimate for twenty-five years —has not enabled the writer to trace wherein such infirmity casts its shadow upon the portraiture of character which, in the writing of this sketch, has been so often present to his contemplation.

A character such as we have now contemplated, if not brilliant, is far better,—it is *beneficent.* If it does not dazzle, it does more,—it *enlightens, invigorates,* and *purifies,* in all its influences. If it lacks those strongly-salient traits which catch the eye and command for the moment a livelier popular interest and notoriety, this is because of its exquisite symmetry, of that full and harmonious development and even balance of all its powers and sentiments, which impart to character pre-eminent beauty, strength, and value. It is this precise type of character, as illustrated in the career of one who was, perhaps, in all history, its most eminent example, which the poet so fitly exalts to its just grade when he says,—

> " Minds strong by fits, irregularly great,
> That flash and darken, like revolving lights,
> Catch more the vulgar eye, unschooled to wait
> On the long curve of patient days and nights
> Rounding a whole life to the circle fair
> Of orb'd completeness; and this balanced soul,
> So simple in its grandeur, coldly bare
> Of draperies theatric, standing there
> In perfect symmetry of self-control,

Seems not so great at first, but greater grows
Still as we look, and by experience learn
How grand this quiet is, how nobly stern
The discipline that wrought, through life's long throes,
This energetic passion of repose."

We must not forget, though but for a moment, to contemplate the old age of Judge Hall. It had this one rare and beautiful feature, that to the last he kept himself in sympathy with the age with which he was moving, and generously and justly appreciated the steady advance of society. It was not his habit, either to dwell in memories of the past, or in visions of the future life so near him; but what remained of his powers he gave earnestly to the proper interests of the present. It was a sentiment profoundly felt by him, and sometimes expressed, that he had nothing to do with death until it should come; that his present concern was how to live. Thus, he seemed to grow old in little else than in the decay of that which alone is perishable,—the body. The natural force and freshness of his mind, the warmth of his affections to those whom he had loved, and his interest in the objects for which, in the vigor of life, he had labored,—all these remained to the last little, if at all, impaired, except in the loss of service of his physical organs.

On his ninetieth birthday, December 24, 1870, a friend called to offer him the usual congratulations. It was a cold, inclement day. He was found standing in his study, with overcoat and hat, ready to brave exposure in order to respond to a request of a few ladies for his counsel in some scheme of benevolence. He had already let go his long

hold upon those associations, the labors of which drew too largely upon his now failing strength; and it was a remaining much cherished solace to render an occasional service in any useful enterprise. But even this satisfaction he was soon compelled to forego.

In the winter of his ninetieth year, the rapid decay of his physical powers, connected with a disordered and sometimes distressing condition of health, withdrew him from all activity; and it was only left him, that having so long and faithfully discharged the active duties of life, he should now for the few remaining years exemplify, as indeed well he did, its passive virtues. With varying conditions of health, but steady decline of strength, he lingered through several years, awaiting, with patient submission to the Divine will, his expected change,—the end of his toils and suffering, the fruition of his hopes, the great reward of his faith and devotion. The change came to him on the evening of the 10th of May, 1875, as gently as sleep comes to an infant.

Gentlemen of the Historical Society,—Our tribute to the memory of our late president, such as we can make it, is now paid. But shall we not linger, if but for a moment, and for our own profit draw briefly the great lesson which such a career teaches,—that is, the value of a single life in which all the powers of the man are husbanded, trained, and exerted to the supreme end of usefulness? True, the results of such a life are not susceptible of measurement or calculation. For he wrought not in marble nor on canvas; not on material things, bringing out from them the noble creations of art or genius, such as the St. Peter's of

Michael Angelo, the Transfiguration of Raphael, or the Tubular Bridge of Stephenson. These are works which remain as witnesses to the eye of the beholder of the power of the master minds which created them. But *he* wrought upon society, upon minds and hearts; and of such labors the results are subtle, dispersed, not easily traceable, not at all to be measured or computed. Such labors are the bread cast upon the waters, lost to human view, though having the promise that it shall be found after many days. Still, though the blessings to humanity resulting from such a life cannot be followed and summed up, but little reflection is needed to impress us with their certainty, their richness, and their value. Consider a single striking fact in the career which has been before us. In the course of that long life of public activity,—not less than seventy years, the whole allotted term of human existence,—of all those great channels through which healthful and purifying influences are diffused throughout society there were none to which he did not efficiently contribute. The bar, of which he was long a member and leader; the administration of public justice, in which he bore a part for near half a century; our State legislation, which he largely moulded in revising and digesting our statute-laws, not to speak of the weight of his opinions, at all times when known, upon general measures of legislation; our fundamental State institutions, in the framing of which he shared in the convention of 1831; our system of popular education, his exclusive and perhaps his greatest work; the systematic supply of the Bible to every destitute family, in which he co-operated for nearly fifty years; the Christian Church, in which, for a like period, he was an effi-

cient laborer; to whatever any or all of these great agencies have, during half a century, accomplished for the life, order, purity, and progress of society, he was a large contributor. But then, again, apart from these special services to the people among whom his lot was cast,—nay, rising above them all, was the ceaseless though silent influence of character, working through all the channels of his intercourse, acting upon society at every point of contact with him,—the influence of that unconscious exhibition before men of a full and complete manhood—so rare, so difficult—in which a sound and healthful physical organization renders its due obedience to the intellectual life; and that again holds itself in subordination to the moral sentiments, under the supremacy of which last all the powers and affections of the man are held in their full and harmonious exercise, and are directed efficiently to their proper ends. By the attractive force of such examples of a higher manhood, set before one generation and another,—perhaps more than by any other direct influence,—the race is being drawn nearer to that one only perfect humanity, in its final and full conformity to which will yet be verified the deep significance of that wonderful declaration, "And I, if I be lifted up from the earth, will draw all men unto me."

It is that feature of Judge Hall's life, now before us, which explains the peculiar sentiment towards him by which, in the estimation of his contemporaries and the memory of his survivors, he has been somewhat set apart from other good and great men prominent in the history of our State. Other great names are honored; his is revered. Other names are mentioned with admiration for those who

bore them; but the remembrance of him not so much gratifies a just pride in his career as it stirs our aspirations after a better life for ourselves. What is this but our instinctive recognition in him of a higher ideal of manhood,—of life, its true aims and end? and who can estimate the value of a life which, had it done no more, presented to its contemporaries so exalted an ideal, and commanded for it an homage so universal and profound?

Yet one thought more. If the results of labor in the more direct intellectual and moral culture of society are not, like the great works of art or genius, visible and susceptible of measurement and valuation, they are at least more enduring, since they are reproductive,—and that without end. The temple, the statue, the painting, great structures for public utility, are not self-propagating; and at some time they themselves must perish, leaving nothing but their memory behind. But the work done in instructing and elevating the minds and hearts of men reproduces the like fruit upon other minds and hearts; and this process continues, with ever-enlarging circles of influence, from one generation to another, throughout the whole upward progress of humanity,—an influence which, though not to human view traceable in its courses, nevertheless goes on, forever unspent.